

**A RESOLUTION approving a Waiver of Noncompliance
for a Late-Filed Statement of Benefits Real Estate
Improvements (Form CF-1/Real Property) for 620 East
Berry Street, Fort Wayne, Indiana 46802 (Prairie Quest,
Inc./525 W. Jefferson now filed under Haley & Summers
Realty, LLC)**

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 8231 Smith Road for Prairie Quest, Inc./525 W. Jefferson now filed under Haley & Summers Realty, LLC (Confirming Resolution R-13-09) under Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1; and

WHEREAS, the original Statement of Benefits and economic revitalization area designation application submitted by Prairie Quest, Inc./525 W. Jefferson now filed under Haley & Summers Realty, LLC and approved under Confirming Resolution R-13-09 was for \$149,500 in real property improvements and \$16,000 in personal property improvements; and

WHEREAS, construction of the real property improvements for Prairie Quest, Inc./525 W. Jefferson now filed under Haley & Summers Realty, LLC were completed in March 2009; and

WHEREAS, representatives of Prairie Quest, Inc./525 W. Jefferson now filed under Haley & Summers Realty, LLC have informed the City of Fort Wayne that their Statement of Benefits Real Estate Improvements (Form CF-1/Real Property) for 2018 was not filed in a timely manner; and

WHEREAS, this oversight was an unusual occurrence for Prairie Quest, Inc./525 W. Jefferson now filed under Haley & Summers Realty, LLC; and

WHEREAS, the Common Council finds that Prairie Quest, Inc./525 W. Jefferson now filed under Haley & Summers Realty, LLC has fulfilled its pledge to construct the real property improvements; and

WHEREAS, the Common Council acknowledges that Prairie Quest, Inc./525 W. Jefferson now filed under Haley & Summers Realty, LLC has requested a waiver of non-compliance which the Common Council has the power and authority to approve, under I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3; and

WHEREAS, the Common Council intends that Prairie Quest, Inc./525 W. Jefferson now filed under Haley & Summers Realty, LLC receive the tax abatement benefits to which

1 they would have been entitled had no non-compliance event occurred, so long as the waiver
2 of non-compliance and the granting of those benefits does not prejudice the City of Fort
3 Wayne; and

4 **WHEREAS**, the Common Council has concluded that granting of the ERA deduction
5 for 2018 payable 2019 tax year would not create a strain on the City of Fort Wayne's fiscal
6 budget; and

7 **WHEREAS**, I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3 permit tax abatement
8 noncompliance events such as the untimely filing of statement of benefits (CF-1) paperwork
9 to be waived; and

10 **WHEREAS**, the non-compliance event has been corrected and a public hearing of
11 the Common Council has been held on the waiver.

12 **NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF**
13 **FORT WAYNE, INDIANA:**

14 **SECTION 1.** That, Common Council hereby waives all clerical and technical errors and
15 nonconformities that are waiveable under State and local law, including without limitation
16 those errors and nonconformities described in I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3.

17 **SECTION 2.** As authorized by I.C. 6-1.1-12.1-9.5(d), the Common Council will permit Prairie
18 Quest, Inc./525 W. Jefferson now filed under Haley & Summers Realty, LLC to receive the
19 real property economic revitalization area deductions for 2018 payable 2019 under
20 Confirming Resolution R-13-09. The Allen County Auditor shall be supplied with a copy of
21 this Resolution, upon passage, and instructed to apply the deduction amounts in accordance
22 with this schedule.

23 **SECTION 3.** That, this Resolution shall be in full force and effect from and after its passage
24 and any and all necessary approval by the Mayor.

25 _____
26 Member of Council

27 APPROVED AS TO FORM AND LEGALITY

28 _____
29 Carol Helton, City Attorney
30

Admn. Appr. _____

DIGEST SHEET

TITLE OF RESOLUTION: Resolution Approving a Waiver of Non-compliance for a Late-Filed Statement of Benefits Real Estate Improvements (Form CF-1/Real Property) for Prairie Quest, Inc./525 W. Jefferson now filed under Haley & Summers Realty, LLC

DEPARTMENT REQUESTING RESOLUTION: Community Development Division

SYNOPSIS OF RESOLUTION: This is to approve a waiver of non-compliance for late-filed real property statement of benefits for Prairie Quest, Inc./525 W. Jefferson now filed under Haley & Summers Realty, LLC

EFFECT OF PASSAGE: Approval of this resolution and granting of a waiver of non-compliance will allow Prairie Quest, Inc./525 W. Jefferson now filed under Haley & Summers Realty, LLC to retain their real property economic revitalization area deductions.

EFFECT OF NON-PASSAGE: Potential loss of future development by Prairie Quest, Inc./525 W. Jefferson now filed under Haley & Summers Realty, LLC.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS): No expenditures of public funds required.

ASSIGNED TO COMMITTEE (CO-CHAIRS): John Crawford and Jason Arp